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MEMORANDUM
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FROM: Steven M. Olea
Director
Utilities Division

2013 MAY 21 P 2:15

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

MAY 21 2013



DATE: May 21, 2013

RE: **STAFF RESPONSE TO APRIL 9, 2013 PROCEDURAL ORDER - IN THE MATTER OF THE APPLICATION OF MIDVALE TELEPHONE EXCHANGE INC. FOR APPROVAL OF AN AMENDMENT TO ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET NO. T-02532A-08-0542)**

On April 9, 2013, the Administrative Law Judge issued a Procedural Order which ordered Midvale Telephone Exchange, Inc. ("Midvale") and Qwest Corporation dba CenturyLink QC ("Qwest") to file documents stating their respective positions on this matter and provide proposals on how this matter should be resolved by May 10, 2013. Staff was ordered to file a document responding to Midvale's and Qwest's filings and recommend how to proceed in this matter.

On May 10, 2013, Qwest filed its response to the Procedural Order. Qwest states that its position has not changed since the update it filed on January 17, 2012 and that it continues to support the transfer of the extension area to Midvale and continues to support the proposed transfer of territory as set forth by Midvale in Section V of its Second Amended Application, as amended by the revised Attachment C filed on December 15, 2010. Qwest reiterated its position that this proceeding move forward and not be administratively closed.

On May 13, 2013, Midvale filed its response to the Procedural Order. Midvale states that while both CenturyLink and Midvale have undergone organizational changes since filing of the application, the factors outlined in the application and responses to the application supporting transfer have not changed. Midvale explains that it and Commission Staff have agreed on language describing the area proposed for transfer and that it believes the filing of language acceptable to Staff is the only remaining barrier to Staff making its sufficiency finding. Once the application is found to be sufficient, a Staff Report is filed, and notice is given to affected customers, Midvale requests that the matter proceed to Open Meeting without a hearing.

Staff reviewed the responses to the Procedural Order filed by Qwest and Midvale and agrees that the matter should proceed. Staff has been working with Midvale and CenturyLink to reach an agreement on the correct legal description of the area to be transferred and upon agreement of all parties, Staff will file a corrected legal description in the docket. Afterwards, Staff intends to make a sufficiency finding, complete its analysis and file a Staff Report in this matter. Staff believes the matter should go forward and not be administratively closed.

SMO:LLM:red:MAS

Originator: Lori Morrison

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DOCKET NO. T-02532A-08-0542

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